

## REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 4, 5, 7, 16, 17, 19, 23, 24 and 26 have been amended to present the claims in better form for allowance and for possible consideration on appeal. Applicants respectfully request the Examiner to accept the proposed amendments. Claims 103, 11-15 and 30-36 have been previously cancelled. No new claims have been added. Therefore, claims 4-10 and 16-29 are now are presented for examination.

### 35 U.S.C. § 112 Rejection

Claim 5 is rejected under 35 U.S.C. §112, second paragraph. Claims 4 and 5 have been amend thus obviating this rejection. Accordingly, Applicant respectfully requests that the rejection of claim 5 be withdrawn.

### 35 U.S.C. § 102 Rejection

Claims 4-7, 16-19 and 23-6 stand rejected under 35 U.S.C. §102(e) as being anticipated by Watanabe, U.S. Patent Publication No. 2002/0144134 (“Watanabe”).

Applicant respectfully submits that Watanabe discloses “a *software defined radio and an approval system of a radio* which can flexibly cope with specification alteration.” (Abstract; emphasis provided). Watanabe further discloses as objects of the invention to “*make regulations for satisfying a specification criterion compatible with freedom of specification alteration . . . [and] conceal contents of software* so as to prevent the contents from being analyzed and altered in the case where the software is approved and then distributed, and determine in a radio *after downloading whether downloaded software is regular information which is not falsified . . . [and]* where a software defined

radio is shipped and thereafter new software is downloaded and function alteration is conducted, there is a method of *conducting a test and approval of the new software by using hardware* of the same type as that already shipped, and *distributing the new software.*” (paragraphs 0007-0009; emphasis provided).

In contrast, claim 4, in pertinent part, recites that “the baseband module is to operate under both the first and second radio protocols.” (emphasis provided). Applicant submits that Watanabe fails to teach or reasonably suggest such a feature. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 4 and its dependant claims.

Claims 16 and 23 contain limitations similar to those of claims 4. Accordingly, for the reasons stated above with respect to claim 4, Applicant respectfully requests the withdrawal of the rejection of claims 16 and 23 and their dependent claims.

### **35 U.S.C. § 103 Rejection**

Claims 8-10, 20-22 and 27-29 stand rejected under 35 U.S.C. §103(a) as being anticipated by Watanabe in view Mayer, U.S. Patent No. 4,442,486 (“Mayer”).

Claims 8-10, 20-22 and 27-29 depend from independent claims 4, 16 and 23 respectively, and thus include all the limitations of their base claim. Accordingly, Applicant respectfully requests the withdrawal of rejection of claims 8-10, 20-22 and 27-29.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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